

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

WARREN PHILLIPS, and HARLEM'S OWN INC.,

Defendants.
-----x

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8/3/07 AL</u>

06 Civ. 3624 (BSJ)


Order

On May 11, 2006, Joe Hand Promotions initiated this action in which he claims that Warren Phillips and Harlem's Own, Inc. ("Defendants") displayed the cable telecast of a professional boxing match between Mike Tyson and Kevin McBride on the June 11, 2005 in violation of 47 U.S.C. §§ 552, 553, and 605, et seq. On April 9, 2007, this Court entered a default judgment against Defendants and referred this matter to Magistrate Judge James C. Francis for an inquest into damages. On July 16, 2007, Magistrate Judge Francis issued a Report and Recommendation ("R&R") in which he recommended that judgment be entered in favor of the Plaintiff, Joe Hand Promotions, Inc., for \$6,000 in statutory damages and \$1,525.00 in costs and fees, for a total of \$7,525.00. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(e) of the Federal Rules of Civil Procedure, the parties had ten days -- until July 26, 2007 -- to file written objections to the R&R. Magistrate Judge Francis specifically

advised the parties that "[f]ailure to file timely objections will preclude appellate review." (R&R 13.) No objections have been filed.

"To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Figueroa v. Riverbay Corp., No. 06 Civ. 5364, 2006 U.S. Dist. LEXIS 93305 (S.D.N.Y. Dec. 22, 2006). The Court finds no clear error in Magistrate Judge Fox's award of statutory damages, costs and fees. Accordingly, the Court accepts and adopts the Report and Recommendation. The Clerk of the Court is directed to close this case.

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
August 3, 2007